



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY	DOCKET NO.
09/501,434	02/10/00	LEE	J	510.030US1

021186 LM02/1004  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

EXAMINER

CHU, K

ART UNIT	PAPER NUMBER
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2752

DATE MAILED: 10/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

09/501,434

Applicant(s)

Lee et al.

Examiner

Kim-Kwok CHU

Art Unit

2752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
  2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
  3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

**Specification**

1. The disclosure is objected to because of the following informalities:

(a) in the specification, on page 8, line 10, the term "open gripper 232" should be changed to --open gripper 231-- according to Figs. 3 and 4;

(b) similarly, in line 26, the term "open gripper 232" should be changed to --open gripper 231-- according to Figs. 3 and 4; and

(c) on page 8, lines 23 and 26, both the terms "gripper 231" are not consistent with previous "gripper 232" as in line

4. Applicant should verify whether it is a "gripper" or an "open gripper".

Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

3. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

(a) in claim 1, line 6, the term "rotatable gripping head" is not clear because how the head rotate is not specified. In general, a head is considered to rotate about an vertical axis. For example, the head can move a disk from point A to point B by rotating about an vertical axis. On the other hand, a head can be rotate about a horizontal axis. That is the head can flip over up side down. Applicant should clarify this unclear term in order to point out the distinct subject matter of his invention;

(b) in claim 9, line 14, the term "holding the first and second compact discs simultaneously" is not clear because the holding positions are not clear. It can be interpreted as two compacts discs are holding on a same horizontal plane such as a multi-CD rotating tray. On the other hand, two discs can be hold on two horizontal levels. Applicant should clarify how the compact discs are held in order to point out the distinct subject matter of his invention;

(c) in claim 14, line 11, the term "simultaneously grips both the first and second compact discs" is not clear. It can be interpreted as two compacts discs are gripped on a same horizontal plane such as a multi-CD rotating tray. On the other hand, two discs can be gripped on two horizontal levels like a stack. Applicant should clarify how the compact discs

are gripped in order to point out the distinct subject matter of his invention;

(d) similarly, in claim 18, the term "simultaneously gripes both the first and second compact discs" is not clear. Applicant should clarify how the compact discs are gripped in order to point out the distinct subject matter of his invention; and

(e) in addition, in claims 19, 21, 22 and 25, all line 3 respectively; claims 23 and 24, lines 2 and 3 respectively, the term "simultaneously holding at least two compact discs" is not clear. Besides it is indefinite on whether the discs are held horizontally such as a rotating tray or held vertically like a stack, applicant should also clarify how more than two compact discs are held by the gripping steps.

4. The claims not specifically mentioned above are indefinite based upon their dependence

***Allowable Subject Matter***

5. Claims 1-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

6. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

To reduce steps of processing CDs, applicant claims means and steps of a transport carriage for simultaneously holding two compact discs where a first compact disc is gripped and removed from a recorder while a second compact disc is placed in the recorder without releasing the first compact disc or moving the transporter carriage from the recorder to a compact disc supply locations.

In one embodiment, applicant claims that the above transport carriage is for moving compact discs from a recorder to an indicia printer.

The prior art does not teach or fairly suggest the features as recited in applicant's claims.

7. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the

application is passed to issue. This will avoid possible delays in the issue process.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kahle (6,074,031) is pertinent because Kahle teaches a CD labeling system.

Hollerich (5,946,216) is pertinent because Hollerich teaches a vertical transport device for recording verifying disks.

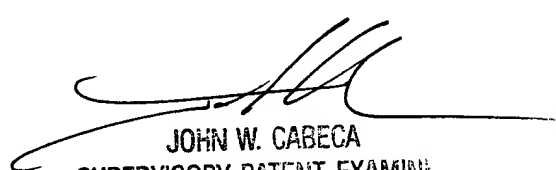
Proffitt et al. (5,844,593) is pertinent because Proffitt teaches a CD marking apparatus.

Lee et al. (5,734,629) is pertinent because Lee teaches a CD transporter.

Kahle (5,518,325) is pertinent because Kahle teaches a disk label printing system.

Letourneau (5,504,688) is pertinent because Letourneau teaches a compact disc marking method and apparatus.

9. Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks Washington, D.C.  
20231 or faxed to:  
(703) 305-9051, (for formal communications intended for  
entry) or:  
(703) 305-9731, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")  
Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).  
Any inquiry of a general nature or relating to the status  
of this application should be directed to the Group  
receptionist whose telephone number is (703) 305-3900.  
Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032.

  
JOHN W. CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700

*kc 9/8/2000*

Kim-kwok CHU  
Examiner AU2752  
September 8, 2000

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